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*Attorneys for Defendants
C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability
Litigation,

This Document Relates to:

Lisa Hyde, et al. v. C. R. Bard, Inc., et al.
CV-16-00893-PHX-DGC

No. 2:15-MD-02641-DGC

**DEFENDANTS' RESPONSE IN
OPPOSITION TO PLAINTIFFS'
MOTION *IN LIMINE* NO. 3 TO
EXCLUDE EVIDENCE THAT
NOVEMBER 2012 AND MAY
2013 INCIDENTS CAUSED OR
CONTRIBUTED TO HYDE'S
G2X FILTER
FAILURE/FRACTURE**

**(Assigned to the Honorable David
G. Campbell)**

1 Bard submits this response in opposition to Plaintiffs' Motion *in Limine* No. 3 and
2 respectfully shows the Court as follows:

3 **ARGUMENT AND CITATION OF AUTHORITY**

4 Plaintiff's IVC filter was implanted in February 2011 and removed in August 2014.
5 Plaintiffs move *in limine* for this Court to exclude evidence suggesting that injuries
6 Ms. Hyde suffered in November 2012 and May 2013 (in between the time of her filter
7 implant and its removal) caused or contributed to her filter failures or fracture.

8 Evidence relating to Ms. Hyde's November 2012 and May 2013 injuries is relevant
9 and admissible, but not, as the plaintiffs suggest, to show that those injuries contributed to
10 her filter fracture or failure. Rather, Bard intends to introduce this evidence to rebut the
11 Mrs. Hyde's claims of injuries and damages she alleges she suffered as a result of her IVC
12 filter.

13 Ms. Hyde's November 2012 slip and fall involved injuries to her chest. *See* doc.
14 12099, p. 2. At the same time, Ms. Hyde, along with her expert international radiologist
15 Dr. Hurst, claims that she suffered chest pain as a result of her IVC filter. *See* Ms. Hyde's
16 Plaintiff Fact Sheet at pages 8, 17, relevant portions attached as Exhibit A; June 2, 2017
17 report of Dr. Darren Hurst, p. 6, relevant portions attached as Exhibit B. Accordingly,
18 evidence relating to Ms. Hyde's November 2012 chest injury is relevant for the jury to
19 consider whether her alleged chest pain and damages arising from it were caused, at least
20 in part, by something other than her filter. Likewise, evidence pertaining to the event
21 described in plaintiff's medical records from May 2013 is relevant because the incident
22 caused her back pain (doc. 12099, p. 2), but she also claims injuries and resulting damages
23 from back pain attributed to her IVC filter. *See* Exhibit A at page 11.

24 This evidence is highly relevant to the plaintiffs' damages claim. Further, its
25 probative value is not substantially outweighed by a danger of unfair prejudice to the
26 plaintiffs because Bard will not suggest or argue that the plaintiffs' November 2012 and
27 May 2013 injuries impacted her filter-related complications.

CONCLUSION

For these reasons, Bard respectfully requests that the Court deny Plaintiffs' Motion in Limine No. 3.

RESPECTFULLY SUBMITTED this 28th day of August, 2018.

s/ Richard B. North, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of August 2018, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

s/Richard B. North, Jr.
Richard B. North, Jr.